

Opinion: San Jose Labor Negotiations Should be Public

By Pierluigi Oliverio, Special to the Mercury News, November 4, 2009

The current practice of labor negotiations being held behind closed doors in San Jose is bad business for the city. In the era of sunshine, all labor negotiations should be public so that residents can see, hear and attend them just like other public meetings.

Today, the only people allowed at labor negotiation meetings are professional negotiators hired by the unions, union officials and city management staff. The discussions that take place are not seen or heard by anyone except those present. The unions and city staff constantly accuse each other of "dishonest tactics" and "feeling disrespected" during these meetings — and because the public and even the council can't attend, we have no idea who's telling the truth. Negotiating in public would end this behavior.

Our budget deficit today is a result of decisions made years ago. While the council voted in public on the contracts, there was little or no public disclosure of details beforehand. The real decisions were made in closed meetings. Nor are there any transcripts of what was said that led to pensions, benefits and wages that are unsustainable.

In my view, if allowed to attend these negotiations, the public would not have tolerated pensions with 200 percent plus matches and other agreements.

If we continue the current practice, then I fear we will continue to reduce services and even end up in bankruptcy like our neighbor Vallejo.

At a minimum, we should tape these private meetings so there is a record of who said what.

The public should be aware of the full dollar amounts of all proposals from city management and unions through each stage of the negotiation. If the city is being unfair, everyone would know.

If labor is asking too much, everyone would know.

A public process would let us understand how we arrived at the outcome.

If both sides had met 40 times and could not agree, then the public would know that and would be more likely to support the council in imposing an agreement.

If one side canceled meetings again and again, which has happened, essentially refusing to bargain, then the public would know.

Last year, city union members paid \$7,164,760.89 in union dues, and approximately half of that amount can be spent on political campaigns to support union-endorsed candidates or to oppose candidates who do not support the union's goals.

You can see why elected officials are reluctant to make union negotiations public, since the unions oppose this.

Earlier this year, I posted an online survey with the question, "Should closed-door labor negotiations be made public?" and 74 percent of the 605 people who responded said yes.

If city management, unions and the council don't agree to make negotiating sessions public, I would support collecting signatures for an amendment to our city charter and give voters the opportunity to decide.

I encourage you to attend today's special City Council session at 1:30 p.m. in the council chamber, where this topic will be discussed.

PIERLUIGI OLIVERIO represents District 6 on the San Jose City Council. He wrote this article for the Mercury News.